

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

APR 10 2008 *adm*
Apr 10 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

KIRK E. BINTZLER,
Petitioner,

V.

MCC-WARDEN ERIC WILSON,
AND U.S. PAROLE COMMISSION
et. al.

Case # 08-C-1293

Honorable Virginia A. Kendall
Presiding.

Respondents.

MOTION TO EXPIDITE THE PROCEEDINGS

Comes Now, petitioner, Kirk Bintzler, pro se, and hereby moves the Court to hold a in person hearing on the matter within the 3 day time frame set forth in 28 U.S.C. Sub. Section 2243, upon the following set of factual circumstances, applicable law:

- (1). Exhibits H-1, 1-A, H-2, H-3, A, B, and 4, are prima facie evidence of exhaustion of all available administrative remedies pursuant to the provisions of LEWIS V. WASHINGTON, 300 F. 3d 829 at 830, (7th Cir. 2002) that require only the exhaustion of available remedies. When an agency makes them unavailable they are deemed exhausted.
- (2). These exhibits also display petitioner has attempted to have this matter corrected by the BOP, U.S. Parole Commission since he became aware of the matter, to meet 6/29/08, release date, in every conceivable fashion as far back as August 2007.

The Seventh Circuit ruling in BINTZLER V. ASHCROFT, 04-1488, confirm jurisdiction over the matter is now before the court pursuant to 28 U.S.C. § 2241, for decision on the merits.

Respectfully Submitted,

Dated April 7 2008

Kirk Bintzler
Kirk Bintzler, pro se

CERTIFICATE OF SERVICE

I, Kirk Bintzler hereby certify that I have served a true and correct copy of the following:

AMENDED HABEAS CORPUS PETITION (08-C-1293)
MOTION TO SUBPEONA DOCUMENTS
DUCES TECUM RELATING TO PAROLE
COMMISSION 3/21/94 WARRANT
ISSUANCE FROM CASE # 87-CR-107,
E.D. WISCONSIN. (08-C-1293)

MOTION TO EXPIDITE THE PROCEEDINGS
CASE # 08-C-1293

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston v. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

UNITED STATES ATTORNEY PATIRCK FITZGERALD
OFFICE OF THE UNITED STATES ATTORNEY
5th Floor,
219 South Dearborn Street
Chicago, Illinois 60604

and deposited same in the United States Postal Mail at the

on this: 7th day of: April, 2008



Kirk Bintzler